



Small Business Compliance Advisory Panel

Draft Meeting Minutes

Friday, August 24, 2007

9:30 AM to 2:00 PM

Attendees:

CAP: Rob Curnock, Ken Legler, Mark Shelton, Brent Wade, Laurie McReynolds and Sarah Walls

SBAC: Joe Polanco, Dallas SBAC; Michele Feenstra, San Antonio Manufacturer's Association

SBEA: Brian Christian, Grace Montgomery Faulkner, Andy Gardner, Joy Schultz, Christine Bergren, Anne Marie Callery, Tara Lindgren

TCEQ: David C. Schanbacher, P.E., Chief Engineer; Leonard Olson, Director, Intergovernmental Relations; John Sadlier, Deputy Director, Office of Compliance and Enforcement

EnviroMentors: Michael Whitehead, Rob Rowell, Cathy Dougherty, Wendy Cooper, Beth Payne, Ken Knibbs, Kevin Caldwell, Eugene Lindemann, Terry Jordan

Others: Paul Sugg, Texas Association of Counties; Mary Miksa, Texas Association of Business; Shelisa Ashford, HCD International; Harriett Atkinson, HCD International

Action Items

- Ask Sharon Blue to come to next CAP meeting to better explain the Supplemental Environmental Project (SEP)
- Provide a summary of the Texas Emissions Reduction Plan (TERP) to the SBAC's to get the word out that funding is available
- Recruit EnviroMentors to help with TERP applications
- Representative on the Prop 2 Advisory Group is needed – Mark Shelton volunteered for the position
- Provide CAP with FY 2006 Small Business Enforcement information

Grace Montgomery Faulkner, Director of SBEA

Mrs. Montgomery was presented to the CAP by Brian Christian. She spoke about the Agency's focus on rule packages and management shifts within the agency. She also informed the CAP that Commissioner Buddy Garcia has been appointed as Chairman.

Brian Christian, Manager of SBLGA

Mr. Christian addressed the changes in SBLGA, management and focus. Tamra left good managers and the best structured section in the agency. Despite turnover, SBLGA was able to keep up with customer service. Focus has been on relations with internal customers within TCEQ while keeping focus on SBLGA mission.

Fiscal Year 2007 Projects:

- **Wastewater:** SBLGA has held multiple workshops on recordkeeping and reporting. We partnered with STEERS so we could demonstrate the electronic report.
- **Petroleum Storage Tank (PST):** SBLGA held workshops on San Antonio. Tried new ways to get the word out – registration form were sent by mail and also delivered door to door. After tracking attendance it was noted that there was not much difference in the two approaches. However, SBLGA will continue to find new ways to improve outreach.
- **State Implementation Plan (SIP):** SBLGA has been doing outreach on SIP rules and getting more involved in SIP rulemaking.
- **Storm Water:** Anne Marie Callery described the new MS4 Storm Water requirements in response to CAP questions.

Fiscal Year 2008 projects:

- **Public Water Systems:** Outreach will be conducted to unapproved systems.
- **Air:** Outreach to non-traditional audiences, such as SIP and Voluntary programs
- **Storm Water:** Continued outreach
- **Petroleum Storage Tanks (PST):** Continue workshops in each of the four areas of the State.

John Sadlier, Deputy Director, Office of Compliance and Enforcement

Mr. Sadlier explained the new boundaries on the 4 areas of the State and the role of the Area Directors.

Mr. Sadlier explained the new investigative strategy. It used to be dictated by EPA, now it will be based on risk and will be called Risk Based Investigation Strategy (RBIS). It should be fully implemented in Fiscal Year 2008. Presentation was distributed.

Questions:

Q: Why do we do enforcement and have penalties?

A: It is a deterrent for future non-compliance

Q: What's happening with Compliance history and Penalty Policy?

A: It's been on the back burner since 2005. New Commission will discuss at the September 7th work session to try to focus on key unresolved issues.

Q: Does the CAP need to rethink these issues?

A: CAP's old comments have been given to Chairman Garcia. The comments are still before the commissioners.

Q: EPA dictates who TCEQ investigates?

A: EPA gives TCEQ general categories, such as Wastewater majors every other year.

Leonard Olsen, Director, Intergovernmental Relations

Mr. Olson gave a break down of all bills that were filed, passed, and tracked. 37 of those will require rule making. Implementation schedule is on TCEQ web page. More environmental bills were filled this session than ever before.

David Schanbacher, P.E., Chief Engineer

Mr. Schanbacher provided some background on how ozone is formed, who contributes and where the issues are in Texas. Our primary focus is on NOx and how to control what is actually causing the air quality problem.

Mr. Schanbacher spoke about the air quality plan known as the State Implementation Plan (SIP). This plan is to get all of the state back into attainment. Mobile sources are a major reason for non-attainment.

The EPA has proposed lowering the 8-hour ozone standard. The Governor has asked for a 10 year extension for the Houston/Galveston Area to achieve the new standard.

Harriet Atkinson, HCD International

Ms. Atkinson said that they are here to look at what is working in State Small Business programs and how EPA can help.

Open Discussion

1) The fact that EPA has allowed money from penalties to go to something other than just paying the fine was brought up.

Response: TCEQ has a program called the Supplemental Environmental Project (SEP). This is where a portion of the fine can be used for non-compliance education.

Action item: Request a SEP speaker for the next CAP meeting.

2) Dry Cleaners would like funding to replace machines like TERP. Is there any TERP money set aside for small businesses? Applications are too complicated.

Response: CAP supports outreach on TERP. SBACs can help.

Action Item:

- Have EnviroMentors help with TERP applications.
- Provide SBACs with information on TERP.

3) PEL Advisory group – it was mentioned that there is not a small business representative in the group.

Response: The CAP is supportive of getting someone in that group.

Action Item: Mark Shelton has agreed to participate in the PEL Advisory group

Mr. Christian reviewed the minutes from the two previous meetings with Mark Shelton, CAP Chair. The CAP approved the minutes and reviewed the action items from this meeting for the record.